

REMARKS

In this response to the Final Office Action dated April 30, 2009, claims 41, 45, 50, 54, 56, 57, and 59 were amended to correct informalities. Claim 59 was further amended to remove the citation that allegedly lacks supports in the specification according to the Office Action. No new matter has been added. Claims 41-62 are currently pending in the application. In view of the amendments and comments as set forth herein, Applicant respectively requests reconsideration and withdrawal of the claims objections and rejections.

Objection of Claims 41-55

The Examiner objected to claims 41-55 because of informalities and recommended removing the citation of “first” from claims 41, 45, 50, and 54. Claims have been amended accordingly and therefore Applicant respectively request withdrawal of the claim objections.

Allowable Claims 41-55

The Examiner mentioned in the Office Action that claims 41-55 would be allowable if rewritten or amended to overcome the claim objection. As noted, claims 41-55 have been amended and no longer contains informalities. Therefore, Applicant considers that claims 41-55 are allowable upon entry of this amendment and thanks to the Examiner for allowing the claims.

Rejection of Claims 56-62 under 35 U.S.C. § 112

Claims 56-62 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, claims 56, 57, and 59 were rejected due to the recitation of “first” or “second”. The Examiner recommended removing such citations and the current pending claims were amended accordingly. As such, Applicant respectively requests withdrawal of the claim rejections under 35 U.S.C. § 112, second paragraph.

Claims 56-62 were also rejected under 35 U.S.C. § 112, first paragraph, as lacking the enablement requirement. In this rejection, the Examiner appears to understand that all the claimed labels in the subject application must contain a sticking layer. *See* paragraph 8 of the Office Action. Based on this Examiner’s understanding, claim 56, which does not cite the sticking layer, was considered to introduce new matter and therefore rejected. However, Applicant respectively reminds the Examiner that the subject specification discloses a variety of labels to illustrate the

claimed label without limiting the scope of the claims and some of the illustrative examples such as label 2 may not comprise a sticking layer. See the description from page 21, line 27 to page 22, line 10 of the specification as filed. As cited in the Office Action, the heat-resistant labels 1-1 and 1-2 may comprise a sticking layer; however, the presence of the sticking layer is not necessary in some other claimed labels such as the label 2. Therefore, the heat-resistant label 2 may comprise the features as cited in claim 56. As such, what is claimed in claim 56 has been expressly disclosed in the specification and therefore does not introduce any new matter. Applicant respectively requests withdrawal of the rejection to claim 56 and its dependent claim 57-62 for lacking the enablement requirement.

Claims 56-62 were also rejected under 35 U.S.C. § 112, first paragraph, as lacking the written description requirement. In this rejection, the Examiner rejected claim 56 as it cites "670°C or higher", which allegedly does not have supports in the specification. Applicant does not agree with this rejection; however, to expedite the prosecution of this application, has removed the citation from the claim. Accordingly, Applicant believes that claim 56 is now in compliance with 35 U.S.C. § 112, first paragraph. In light of this amendment, Applicant respectively requests withdrawal of the rejections to claim 56 and its dependent claims 57-62.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

CONCLUSION

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Final Office Action. Accordingly, arguments in support of the patentability of the pending claim set are presented above.

In light of the above remarks, reconsideration and withdrawal of the outstanding rejections is respectfully requested. If the Examiner has any questions which may be answered by telephone, he is invited to call the undersigned directly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: July 30, 2009

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